

Message Text

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INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

SY-10 USSS-00 EB-11 DOTE-00 FAA-00 CAB-09 COME-00

AID-20 OMB-01 TRSE-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

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TO SECSTATE WASHDC 8991

UNCLAS SECTION 1 OF 2 USUN 2807

E.O. 11652: N/A

TAGS: PINS UN

SUBJ: UN AD HOC COMITE ON TERRORISM - SUBCOMITE ON MEASURES

AMB W. TAPLEY BENNETT, JR., US REP IN UN AD HOC COMITE
ON INTERNATIONAL TERRORISM, MADE FOLLOWING STATEMENT AUG 7 IN
CLOSED SESSION OF SUB-COMITE TO STUDY MEASURES FOR PREVENTION
AND SUPPRESSION OF INTERNATIONAL TERRORISM:

BEGIN TEXT

STATEMENT BY AMBASSADOR W. TAPLEY BENNETT, JR., U.N. AD HOC
COMMITTEE ON INTERNATIONAL TERRORISM - SUBCOMMITTEE ON
MEASURES, AUGUST 7, 1973

MR. CHAIRMAN:

TODAY WE TURN OUR ATTENTION TO MEASURES WHICH CAN BE
TAKEN TO PREVENT INTERNATIONAL TERRORISM. THIS IS ONE OF
THE PROBLEMS THAT THE AD HOC COMMITTEE WAS ASKED TO CONSIDER
IN GENERAL ASSEMBLY RESOLUTION 3034(XXVII); PARAGRAPH 10
REQUESTS US TO SUBMIT A REPORT "WITH RECOMMENDATIONS FOR
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POSSIBLE COOPERATION FOR THE SPEEDY ELIMINATION OF THE
PROBLEM." THE TITLE OF THE ITEM ITSELF BEGINS "MEASURES
TO PREVENT INTERNATIONAL TERRORISM." YOU ALL KNOW THAT
MY GOVERNMENT CONSIDERS THAT IT IS OF FIRST URGENCY THAT

WE GET DOWN TO THE WORK OF SEEING WHAT WE CAN DO TO PREVENT TERRORISM. AS WE HAVE SAID ON NUMEROUS OCCASIONS BEFORE, THE UNITED STATES IS FULLY PREPARED TO COOPERATE WITH OTHERS IN CONSIDERING HOW THE TERM "TERRORISM" MAY BE DEFINED, AND TO CONSIDER EXHAUSTIVELY THE CAUSES OF THAT PHENOMENON. BUT THIS DOES NOT MEAN THAT THE UNITED NATIONS SHOULD IN AN EXCESS OF TIMIDITY AVOID CONCRETE ACTION IN THE MEANWHILE. DURING THE THREE WEEKS THIS COMMITTEE HAS BEEN MEETING, THERE HAVE BEEN FOUR SERIOUS TERRORIST INCIDENTS -- IN LIBYA, IN NORWAY AND TWO IN GREECE -- CULMINATING IN THE INSANE SHOOTING FRAY WHICH LEFT DOZENS OF DEAD AND WOUNDED IN ATHENS AIRPORT ON LAST SUNDAY. ANY ONE OF THESE INCIDENTS WOULD SEEM TO COME WELL WITHIN THE SUGGESTED DEFINITION OF "AN ACT OF ODIOS BARBARITY. PERPETRATED IN THE TERRITORY OF THIRD STATE BY A FOREIGNER AGAINST A PERSON NOT HAVING THE NATIONALITY OF THE PERPETRATOR FOR THE PURPOSE OF APPLYING PRESSURE IN A CONFLICT WHICH IS RIOT STRICTLY OF A DOMESTIC NATURE." WITH THE LIVES OF INNOCENT PERSONS BEING LOST ON A DAY TO DAY BASIS, IS IT ANY WONDER THAT PUBLIC OPINION DEMANDS TO KNOW WHY THE UNITED NATIONS CANNOT COME TO GRIPS WITH THIS PROBLEM?

MY DELEGATION STANDS READY TO JOIN IN A TRULY COLLABORATIVE AND OPEN-MINDED EFFORT TO DETERMINE WHAT STEPS WE CAN TAKE IN THIS AREA. WE OF COURSE HAVE OUR OWN VIEWS ON WHAT MEASURES WOULD BE APPROPRIATE, BUT I WANT TO EMPHASIZE ONCE MORE THAT WE ARE ANXIOUS TO HEAR THE COMMENTS OF ALL REPRESENTATIVES HERE ON THIS TOPIC SO THAT WE MAY FIND WHERE AGREEMENT IS POSSIBLE ON WHAT IS ADMITTEDLY A CONTENTIOUS QUESTION. BY FOCUSING ON SPECIFICS, WE CAN SURELY FIND SOME STEPS WE CAN TAKE NOW TO DEAL WITH THIS PROBLEM. IN THE FACE OF THIS ACTUAL EXPORT OF VIOLENCE IT WOULD SEEM TO US BIZARRE INDEED IF THE U.N. COMMITTEE ESTABLISHED TO DEAL WITH THIS PROBLEM MET FOR FOUR WEEKS AND WERE UNABLE TO AGREE ON EVEN LIMITED STEPS TO BE TAKEN.

IN OUR VIEW THERE ARE A NUMBER OF SUCH STEPS. THIS
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COMMITTEE COULD RECOMMEND TO THE GENERAL ASSEMBLY THAT THE ASSEMBLY ADOPT A RESOLUTION CONTAINING RECOMMENDATIONS ON INTERNAL STEPS TO COMBAT TERRORISM, BILATERAL AND MULTILATERAL COOPERATION IN THIS AREA, AND ON CERTAIN INTERNATIONAL ACTIONS. LET ME BE MORE SPECIFIC AND REVIEW SOME OF THE MEASURES WE THINK THE GENERAL ASSEMBLY SHOULD TAKE.

MANY SPEAKERS HAVE NOTED THAT THE FIRST LINE OF APPROACH TO THE PROBLEM OF TERRORISM IS FOR STATES TO ADOPT INTERNAL LEGISLATION WHICH ADEQUATELY DEALS WITH THE PROBLEM. AS A FIRST MATTER, THIS COMMITTEE OUGHT TO BE ABLE TO AGREE TO RECOMMEND THAT ALL STATES REVIEW THEIR INTERNAL LEGISLATION AND, WHERE APPROPRIATE, ENACT ADDITIONAL LEGIS-

LATION TO COMBAT TERRORISM A COORDINATE RECOMMENDATION
COULD BE THAT STATES REVIEW THE INTERNAL SECURITY
MEASURES WHICH THEY TAKE IN ORDER TO ASSURE THEMSELVES
THAT THEY HAVE TAKEN THE BEST POSSIBLE PRECAUTIONS
AGAINST THIS FORM OF VIOLENCE.

SECONDLY, THIS COMMITTEE COULD RECOMMEND MEASURES
OF COOPERATION AMONG STATES ON THE PROBLEM OF COMBATTING
TERRORISM. SEVERAL DELEGATIONS HAVE MENTIONED THE
DESIRABILITY OF STATES USING EXISTING EXTRADITION TREATIES
TO DEAL WITH OFFENDERS WHO HAVE COMMITTED TERRORIST ACTS.
WE WOULD SUPPORT A RECOMMENDATION URGING STATES TO COOPER-
ATE IN USING THIS MECHANISM WHEREVER APPROPRIATE. IN
ADDITION, THROUGH THE CONTINUED OCCURRENCE OF ACTS OF
INTERNATIONAL TERRORISM SEVERAL COUNTRIES HAVE ACQUIRED SOME
EXPERIENCE IN HANDLING TERRORIST INCIDENTS. WE WOULD THINK
THAT THE ASSEMBLY MIGHT URGE STATES TO MAKE USE OF APPRO-
PRIATE BILATERAL OR MULTILATERAL CHANNELS TO EXCHANGE
INFORMATION WITH A VIEW TO MAKING AVAILABLE TO OTHER STATES
INFORMATION THAT MAY RESULT IN THE SAVING OF INNOCENT LIVES.
ANOTHER AREA OF POSSIBLE COOPERATION AMONG STATES THROUGH
APPROPRIATE CHANNELS IS THE EXCHANGE OF INFORMATION
RELATING TO TERRORIST THREATS AND INCIDENTS. SUCH EXCHANGES
OF INFORMATION COULD HELP FORESTALL THEM.

ON THE INTERNATIONAL PLANE, WE THINK A FIRST AND CRUCIAL
STEP IS THAT THE UNITED NATIONS SHOULD CONDEMN UNEQUIVOCALLY
ALL ACTS OF INTERNATIONAL TERRORISM. WE WOULD NOT WISH THE
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UNITED NATIONS, BY ITS SILENCE, TO APPEAR TO CONDONE INTER-
NATIONAL TERRORISM AND THUS ACT IN SILENT ENCOURAGEMENT OF
THE EXPORT OF VIOLENCE TO VICTIMS INNOCENT OF QUARRELS IN
WHICH THEY HAVE NO PART.

MANY DELEGATIONS HAVE CALLED FOR THE PROMPT RATIFICATION
BY STATES OF EXISTING TREATIES WHICH DEAL WITH VARIOUS
ASPECTS OF THE PROBLEM OF INTERNATIONAL TERRORISM. MY
GOVERNMENT THINKS THE ASSEMBLY SHOULD ONCE AGAIN URGE STATES
TO BECOME PARTIES TO THESE AGREEMENTS, IN PARTICULAR, THE
TOKYO, HAGUE, MONTREAL AND OAS CONVENTIONS. WE ARE ENCOURAGED
AT THE TREND OF INCREASING RATIFICATION OF THESE CONVENTIONS
IN THE FIELD OF CIVIL AVIATION. WE HOPE THIS TREND WILL
CONTINUE AND THAT THE ASSEMBLY CAN LEND ITS SUPPORT TO ITS
CONTINUANCE. AS THE NUMBER OF RATIFICATIONS INCREASES, THE
INTERNATIONAL CONSENSUS EMBODIED IN THE CONVENTIONS THAT
CERTAIN COVERED ACTS ARE IMPERMISSIBLE BECOMES CRYSTAL CLEAR.
STATES BECOME MORE DETERMINED NOT TO PUT UP WITH SUCH ACTS
AND TO DO ALL THAT IS WITHIN THEIR POWER TO PREVENT THEM,
AND WOULD-BE TERRORISTS INCREASINGLY COME TO REALIZE THAT
THEY HAVE LOST THE SYMPATHY OF THE INTERNATIONAL COMMUNITY,
AS WELL AS OF STATES WHICH MIGHT PREVIOUSLY HAVE PERMITTED

THEM TO SEEK REFUGE IN THEIR TERRITORY.

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BUT INCREASED RATIFICATIONS OF EXISTING CONVENTIONS ARE NOT ENOUGH. WE HAVE TO CONTINUE TO DEVELOP THE FRAMEWORK OF INTERNATIONAL LAW ADEQUATELY TO COPE WITH THE PROBLEM. TWO SEPARATE AREAS OF WORK DESERVE OUR ENCOURAGEMENT, THOUGH THEY DO NOT REQUIRE OUR SUBSTANTIVE ATTENTION BECAUSE PROGRESS IS WELL UNDER WAY IN THESE FIELDS. I REFER FIRST TO THE WORK BEING DONE IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, WHICH HAS SCHEDULED AN EXTRAORDINARY ASSEMBLY AND A DIPLOMATIC CONFERENCE TO BEGIN LATER THIS MONTH IN ROME. WE HOPE THE EFFORTS AT THESE MEETINGS WILL BE SUCCESSFUL AND THAT BY THE TIME THE 28TH GENERAL ASSEMBLY MEETS CONCRETE NEW MEASURES WILL HAVE BEEN ADOPTED TO ENHANCE THE SAFETY OF CIVIL AVIATION. THE SECOND AREA IS THAT OF PROTECTION OF DIPLOMATS. AS MANY DELEGATIONS HAVE NOTED, HERE, TOO, THE WORK IS WELL UNDER WAY AND THERE IS GOOD REASON TO EXPECT THAT THE ASSEMBLY WILL ADOPT A CONVENTION BASED ON THE INTERNATIONAL LAW COMMISSION'S DRAFT ARTICLES WHEN IT MEETS THIS FALL.

THE EXISTING WORK BEING CARRIED ON IN RELATED AREAS DOES NOT, HOWEVER, DEAL WITH MANY OF THE CRUCIAL ASPECTS OF INTERNATIONAL TERRORISM. THUS WE THINK IT IS INCUMBENT UPON US TO CONTINUE THE URGENT WORK AND TO TRY TO AGREE ON A NEW UNCLASSIFIED

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CONVENTION TO COVER AREAS NOT HERETOFORE DEALT WITH.

A NEW CONVENTION IS IMPORTANT FOR SEVERAL REASONS. FIRST, IT CRYSTALLIZES THE INTERNATIONAL CONSENSUS THAT CERTAIN ACTIVITIES ARE IN VIOLATION OF INTERNATIONAL LAW AND UNIVERSALLY TO BE CONDEMNED. SECOND, IT PROVIDES A MECHANISM FOR DEALING WITH PERPETRATORS OF THESE ACTIVITIES. THIRDLY, IT IS A PREVENTIVE STEP IN THAT IT DISCOURAGES PERPETRATORS FROM UNDERTAKING SUCH ACTIVITIES.

THERE ARE SEVERAL APPROACHES WHICH MIGHT BE TAKEN TO THE DRAFTING OF A NEW CONVENTION. SOME HAVE SUGGESTED THAT WE ISOLATE SPECIFIC ACTS WHICH ARE TO BE COVERED AND APPLY TO THOSE ACTS THE PRINCIPLE OF REQUIRING THAT THE OFFENDER EITHER BE PROSECUTED OR EXTRADITED. WE AGREE WITH THIS APPROACH, AND IT IS IN THAT SPIRIT THAT WE PUT FORWARD A WORKING PAPER AT THE LAST SESSION OF THE ASSEMBLY CONTAINING A DRAFT CONVENTION. THIS WORKING PAPER IS ALREADY BEFORE YOU AS ASSEMBLY DOCUMENT A/C.6/L.850 OF SEPTEMBER 25, 1972.

SOME HAVE REFERRED TO THIS DRAFT CONVENTION AS A "GENERAL" CONVENTION AND SUGGESTED THAT IT WOULD BE BETTER TO CONFINE OURSELVES TO SOMETHING EVEN MORE LIMITED. HOWEVER, WE THINK OUR PROPOSAL IS IN FACT VERY LIMITED SINCE IT IS INTENDED ONLY TO DEAL WITH A SMALL NUMBER OF SPECIFIC ACTS WHICH WE BELIEVE ALL REPRESENTATIVES HERE WOULD CONDEMN.

IT COVERS ONLY THE MOST SERIOUS KINDS OF ACTS -- MURDER, KIDNAPPING, AND CAUSING SERIOUS BODILY HARM. BY THE LARGE NUMBER OF RESTRICTIVE CONDITIONS CONTAINED IN ARTICLE I OF THE DRAFT, IT ENSURES THAT THE RIGHT OF SELF-DETERMINATION IS IN NO WAY LIMITED.

IT IS NOT MEANT TO DEAL WITH INTERNAL PROBLEMS AND THE CONDITIONS WE HAVE SUGGESTED CLEARLY REQUIRE A SIGNIFICANT INTERNATIONAL ELEMENT BEFORE COVERAGE WOULD ATTACH. IT IS NOT MEANT TO DEAL WITH ACTIONS COMMITTED BY OR AGAINST MEMBERS OF THE ARMED FORCES OF A STATE IN THE COURSE OF MILITARY ACTIVITIES, AS THESE ACTIVITIES ARE COVERED BY THE LAW OF WAR.

THE DRAFT IS CONSISTENT WITH THE FRIENDLY RELATIONS
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DECLARATION AND DOES NOT SPEAK TO ACTS TAKEN IN RESPONSE TO THE USE OF FORCE TO DENY RIGHTS ARTICULATED IN THE DECLARATION.

ONCE ALL OF THESE RESTRICTIONS HAVE BEEN MET, IT APPLIES THE PRINCIPLE USED IN THE HAGUE AND MONTREAL CONVENTIONS THAT THE ALLEGED OFFENDER MUST BE TRIED OR EXTRADITED. THUS, THE APPROACH OF THE DRAFT IS NEITHER NOVEL NOR COMPLICATED. WE ARE OPEN TO ANY SUGGESTIONS OTHER DELEGATIONS MAY HAVE FOR IMPROVING THE TEXT.

BY NOT SEEKING AT THIS TIME TO COVER ALL TYPES OF INTERNATIONAL VIOLENCE WE OF COURSE DO NOT IMPLY THAT ALL ACTS NOT COVERED ARE PERMISSIBLE. MANY OTHER KINDS OF TERRORIST ACTS, PARTICULARLY THE INVOLVEMENT OF STATES IN ASSISTING TERRORIST GROUPS OR THE USE OF FORCE TO DENY THE RIGHT OF SELF-DETERMINATION ARE ALREADY PROHIBITED UNDER INTERNATIONAL LAW. THEY WILL REMAIN ILLEGAL WHOLLY APART FROM THIS NEW CONVENTION. HERE WE HAVE TRIED TO RESTRICT OUR ACTIVITY TO THAT COMPREHENDED IN THE LANGUAGE OF THE GENERAL ASSEMBLY RESOLUTION UNDER WHICH THIS COMMITTEE IS WORKING -- NOT TO COVER FORMS OF VIOLENCE WHICH PROPERLY DESERVE CONSIDERATION, AND ARE RECEIVING CONSIDERATION, IN OTHER UNITED NATIONS BODIES. THE DRAFT CONVENTION'S SPECIFIC AFFIRMATION OF THE OBLIGATION OF ALL STATES UNDER THE CHARTER AND OTHER RELEVANT CONVENTIONS MERELY MAKES EXPRESS WHAT WOULD OTHERWISE BE IMPLICIT.

MR. CHAIRMAN, I BELIEVE THE U.S. PROPOSAL IS THE ONLY PROPOSAL CURRENTLY BEFORE THE COMMITTEE; AS SUCH, THE COMMITTEE SHOULD COME TO GRIPS WITH IT. WE HOPE IT WILL STIMULATE A POSITIVE RESPONSE, AND WITH RESPECT TO THOSE DELEGATIONS WHO DO NOT FEEL CAPABLE OF RESPONDING POSITIVELY, WE HOPE IT WILL STIMULATE ALTERNATE AND EQUALLY CONCRETE SUGGESTIONS FOR MEASURES WHICH WE CAN TAKE TO COPE WITH INTERNATIONAL TERRORISM -- TO COPE WITH THE EXPORT OF VIOLENCE AND ITS EMPLOYMENT AGAINST INNOCENT PERSONS, WHATEVER THEIR NATIONALITY OR ORIGIN.

MR. CHAIRMAN, I HOPE THAT WE CAN ALL COOPERATE TO THE GREATEST EXTENT POSSIBLE, WITH THE AIM OF MAKING SOME UNCLASSIFIED

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SUBSTANTIVE PROGRESS ON CONCRETE MEASURES THIS WEEK.
BENNETT

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